

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA)
)
v.) Case No. 3:03-CR-39
)
JERRY D. SURBER) Judge Phillips

AGREED ORDER OF REVOCATION

A Petition for Revocation of Supervised Release has been filed against the defendant, Jerry Surber, and the defendant admits that he has violated the conditions of his supervised release. An agreement has been reached between the parties, recommending that Mr. Surber's supervised release should be revoked and that he should receive a sentence of twelve (12) months of additional supervised release. The parties have further agreed that all other conditions of supervision will remain in place during this additional year.

Mr. Surber agrees to waive his right to a hearing pursuant to Rule 32 of the Rules of Criminal Procedure and his right to allocute at a revocation hearing, and asks that the agreement of the defendant and the government pursuant to Rule 11 of the Federal Rules of Criminal Procedure be found to be a proper sentence.

This Court has considered the Chapter Seven policy statements in the United States Sentencing Guidelines. The violations committed by the defendant are "Grade C" violations and the defendant's criminal history category is I, resulting in an advisory guideline range of 3 - 9 months incarceration and a statutory maximum of 2 years imprisonment. The Court has also considered the factors listed in 18 U.S.C. §3553(a).

The Court feels that the recommended sentence is sufficient, but not greater than necessary, to comply with the purposes set forth in 18 U.S.C. §3553(a). Specifically the Court finds that Mr. Surber called his violation to his probation officer's attention and that it might not have been detected if he had not. Further, he has fully cooperated with his probation officer in all other ways, and has asked for additional supervision in order to assure his successful rehabilitation.

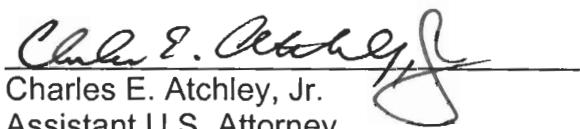
The recommended sentence, therefore, reflects the seriousness of the offense committed by Mr. Surber, promotes respect for the law and serves to deter others who violate supervised release. It will also protect the public from further violations by this defendant and assure his rehabilitation.

Based on the foregoing, IT IS HEREBY ORDERED that the defendant's supervised release is revoked and he is sentenced to a term of 12 additional months of supervised release, said supervision to expire on May 31, 2008. It is also ordered that all other conditions of supervision will remain in place during this additional year.

ENTER this 17th day of May, 2007.


Hon. Thomas W. Phillips
United States District Judge

APPROVED FOR ENTRY:


Charles E. Atchley, Jr.
Assistant U.S. Attorney


Paula R. Voss
Attorney for Defendant

Jerry Surber

Jerry D. Surber

Defendant

Kathryn Callaway

Kathryn Callaway

U.S. Probation Office